

**AMENDMENTS IN THE CLAIMS:**

1. (Currently Amended) A recording apparatus for recording modulated data on a rewritable recording medium, the recording apparatus comprising:
    - a data modulation section for modulating data in accordance with a prescribed modulation rule;
    - a parameter value changing section for changing at least one parameter value of the prescribed modulation rule; and
    - a recording section for recording the data modulated in accordance with the prescribed modulation rule on the recording medium,wherein the prescribed modulation rule is at least one of
    - (a): a ~~state-type~~ modulation rule that uses state modulation which ~~may be represented by a conversion table including a current state field, a current data symbol field, a converted data symbol field, and a next state field, wherein for a given current state and current data symbol, there is a corresponding converted data symbol and corresponding next state; or~~
    - (b): a modulation rule that uses a digital sum value, andin the instance (a) where the prescribed modulation rule is a ~~state-type~~ modulation rule that uses state modulation, the at least one parameter value is an initial value of a state; and
  - in the instance (b) where the prescribed modulation rule is a modulation rule that uses a digital sum value, the at least one parameter value is the initial value or the target value of the digital sum value.
2. (Currently Amended) A recording apparatus according to claim 1, wherein the prescribed modulation rule is a ~~state-type~~ modulation rule that uses state modulation, and the at least one parameter value is an initial value of a state.
  3. (Original) A recording apparatus according to claim 1, wherein the prescribed modulation rule uses a digital sum value, and the at least one parameter value is an initial value of the digital sum value.
  4. (Original) A recording apparatus according to claim 1, wherein the parameter value changing section changes the at least one parameter value randomly.

5. (Original) A recording apparatus according to claim 1, wherein the parameter value changing section changes the at least one parameter value in a prescribed order.
6. (Original) A recording apparatus according to claim 1, further comprising a storage section for storing a previously used parameter value, wherein the parameter value changing section randomly selects a parameter value to be set from parameter values which are different from the previously used parameter value.
7. (Previously Presented) A recording method for recording modulated data on a rewritable recording medium, the recording method comprising the steps of:  
modulating data in accordance with a prescribed modulation rule;  
changing at least one parameter value of the prescribed modulation rule;  
and  
recording the data modulated in accordance with the prescribed modulation rule on the recording medium,  
wherein the prescribed modulation rule is at least one of  
(a): a ~~state-type~~ modulation rule that uses state modulation ~~which may be represented by a conversion table including a current state field, a current data symbol field, a converted data symbol field, and a next state field, wherein for a given current state and current data symbol, there is a corresponding converted data symbol and corresponding next state;~~ or  
(b): a modulation rule that uses a digital sum value, and  
in the instance (a) where the prescribed modulation rule is a ~~state-type~~ modulation rule that uses state modulation, the at least one parameter value is an initial value of a state; and  
in the instance (b) where the prescribed modulation rule is a modulation rule that uses a digital sum value, the at least one parameter value is the initial value or the target value of the digital sum value.
8. (Canceled)
9. (Previously Presented) A recording apparatus for starting to record a series of recording data from a prescribed position based on a termination position of data which

has been recorded on a rewritable recording medium, the recording apparatus comprising:

an offset amount changing section for changing an offset amount of a recording position of each data included in the series of recording data from a prescribed reference position such that as the recording of the series of recording data proceeds, the offset amount of the recording position of each data from the prescribed reference position approaches a target value; and

a recording section for recording each data on the recording medium based on an offset amount which reflects the changed parameter value.

10. (Original) A recording apparatus according to claim 9, wherein the parameter value changing section changes the parameter value randomly.

11. (Original) A recording apparatus according to claim 9, wherein the parameter value changing section changes the parameter value in a prescribed order.

12. (Original) A recording apparatus according to claim 9, further comprising a storage section for storing a previously used parameter value, wherein the parameter value changing section randomly selects a parameter value to be set from parameter values which are different from the previously used parameter value.

13. (Previously Presented) A recording method for starting to record a series of recording data from a prescribed position based on a termination position of data which has been recorded on a rewritable recording medium, the recording method comprising the steps of:

changing an offset amount of a recording position of each data included in the series of recording data from a prescribed reference position such that as the recording of the series of recording data proceeds, the offset amount of the recording position of each data from the prescribed reference position approaches a target value; and

recording each data on the recording medium based on an offset amount which reflects the changed parameter value.

14. (Canceled)